



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

December 29, 2016
Certified Mail/Return
7012 3460 0003 1112 7628

Elk Creek Community Services District
P.O. Box 189
Elk Creek, CA 95939

Attention: Stan Drummond, President

Subject: Public Water System No. 1100616 – Citation No. 21-16C-030 for violating California drinking water statutes and regulations.

As a result of the Elk Creek Community Services District water system inspections in 2016, numerous deficiencies have been discovered that violate the California Health and Safety Code and the California Code of Regulations. The Division of Drinking Water hereby issues the enclosed Citation to correct these deficiencies in a timely manner.

Please note that the Division's authority allows it to impose civil penalties if the enclosed citation directives are not addressed by the deadlines specified therein.

Section 116577 of the Health and Safety Code allows the division to be reimbursed by the public water system for costs incurred for preparing and issuing a citation. Currently, the hourly rate is approximately \$163.00 per hour.

If you have any questions please call Paul Rowe at (530) 224-4866 or contact me directly at (530) 224-4861.

A handwritten signature in black ink, reading "R. Crenshaw".

Reese B. Crenshaw, P.E.
Valley District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosures

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

8 **Public Water System:** Elk Creek Community Services District

9 **Water System No.:** 1100616

10
11 **To:** Elk Creek Community Services District

12 Attn: Stan Drummond, President

13 P.O. Box 189

14 Elk Creek, CA 95939

15
16 **Issued:** December 29, 2016

17 VIA CERTIFIED MAIL

18
19
20
21 **CITATION NO. 21-16C-030 FOR NONCOMPLIANCE**
22 **with Title 22 California Code of Regulations,**
23 **Sections 7605, 64432, 64449, 64480, 64534, and 64665.**

24
25 Section 116655 of Chapter 4 of Part 12 of Division 104 of the California Health and
26 Safety Code (H&S Code) authorizes the issuance of a citation for failure to comply
27 with a requirement of the California Safe Drinking Water Act or any regulation,
28 standard, permit, or order issued thereunder.

1 The State Water Resources Control Board (hereinafter "Board"), acting by and
2 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
3 for the Division, hereby issues this citation pursuant to Section 116650 of the
4 California Health and Safety Code (hereinafter "CHSC") to Elk Creek Community
5 Services District for violation of the applicable sections of the California Health and
6 Safety Code (hereinafter "CHSC"), and the California Code of Regulations
7 (hereinafter "CCR").
8

9 **APPLICABLE AUTHORITIES**

10 For a list of the applicable authorities, see Attachment 'A'.
11

12 **STATEMENT OF FACTS**

13 The Elk Creek CSD water system (hereinafter, "System") is a community water
14 system located in Glenn County that supplies water for domestic purposes to
15 approximately 300 people. The System uses treated surface water from the Stony
16 Gorge Reservoir as its source of domestic water. The approved alternative filtration
17 technology utilizes a parallel train of 100 gpm upflow contact clarifiers with buoyant
18 media.
19

20 The Division performed two inspections of the System in 2016; one on January 19,
21 2016, and a follow-up inspection on October 19, 2016. As a result of these
22 inspections, the following deficiencies were found regarding the System:
23

- 24 **1)** The System is not performing consecutive quarterly (increased) dual
25 sample set disinfection byproduct monitoring, due to a total
26 trihalomethanes (TTHM) maximum contaminant level (MCL) exceedance
27 in the third quarter of 2014. Only one dual sample set was collected and

1 reported in the second quarter of 2016, and in the fourth quarter, individual
2 samples were collected instead of dual samples. (Section 64534 of the
3 CCR).

4
5 2) The System is overdue on chemical monitoring for the following
6 constituents: Color (Due June 2016), Odor Threshold (Due June 2016),
7 Asbestos (Due January 2014), & Hexavalent Chromium (Due November
8 2015 & 2016). (Sections 64432, and 64449, of the CCR).

9
10 3) An update for the System's required Watershed Sanitary Survey is 15
11 years overdue. (Section 64665 of the CCR).

12
13 4) The System is not regularly testing the two backflow devices in the
14 System on an annual basis. (Section 7605(a) of the CCR).

15
16 5) The System has not submitted certification that the 2015 Consumer
17 Confidence Report was delivered to consumers by July 1, 2016. (Section
18 64480(a) of the CCR).

19
20 **DETERMINATIONS**

21 Based on the above Statement of Facts, The Division has determined that the
22 System is in violation of the above referenced applicable authorities found in the
23 CCR and the CHSC.

24
25 **DIRECTIVES**

26 The System is hereby directed to complete the following actions to achieve
27 compliance with the applicable authorities found herein.

- 1
2 1. On or before **February 1, 2017**, the System must sign and return the
3 attached revised Compliance Monitoring Plan for disinfection byproduct
4 monitoring (Attachment 'B'). The Compliance Monitoring Plan requires the
5 System to collect dual (haloacetic acids (HAA5) and total trihalomethanes
6 (TTHM)) samples at **each** location on a **quarterly basis**. These samples
7 shall be taken in **February, May, August, and November**.
8
- 9 2. On or before **February 1, 2017**, the System must perform chemical
10 monitoring for the following constituents: Color, Odor Threshold, Asbestos,
11 & Hexavalent Chromium.
12
- 13 3. On or before **February 1, 2017**, the System must submit to the Division,
14 certification that the 2015 Consumer Confidence Report was delivered.
15 Use Attachment 'C' for the certification.
16
- 17 4. On or before **June 1, 2017**, the System must submit to the Division a
18 Watershed Sanitary Survey.
19
- 20 5. On or before **March 1, 2017**, the System must have both backflow devices
21 tested by a certified backflow tester and proof of testing must be submitted
22 to the Division. The System must resume **annual** backflow devices
23 testing.
24
- 25 6. The System shall provide public notification (by inclusion in the **2016**
26 **Consumer Confidence Report**) of the failure to collect and report dual
27 sample sets of TTHM and HAA5 on a quarterly basis in the year 2016.

1 **Within 10 days of providing notification, and by no later than July 10,**
2 **2017,** the Water System shall submit the enclosed proof of notification
3 form (Attachment 'D').
4

5 All submittals required by this citation shall be addressed to:

6 Reese B. Crenshaw, P.E.
7 Valley District Engineer
8 Drinking Water Field Operations
9 Division of Drinking Water
10 State Water Resources Control Board
11 364 Knollcrest Drive, Suite 101
12 Redding, CA 96002
13 (530) 224-4800
14

15 Nothing in this citation relieves the System of its obligation to meet the requirements
16 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe
17 Drinking Water Act), or any regulation, permit, standard or order issued or adopted
18 thereunder.
19

20 The Division reserves the right to make such modifications to this citation, as it may
21 deem necessary to protect public health and safety. Such modifications may be
22 issued as amendments to this citation and shall be effective upon issuance.
23

24 **FURTHER ENFORCEMENT ACTION**

25 The California SDWA authorizes the Board to: issue citation with assessment of
26 administrative penalties to a public water system for violation or continued violation
27 of the requirements of the California SDWA or any regulation, permit, standard,

1 citation, or order issued or adopted thereunder including, but not limited to, failure to
2 correct a violation identified in a citation or compliance order.

3
4 The California SDWA also authorizes the Board to take action to suspend or revoke
5 a permit that has been issued to a public water system if the system has violated
6 applicable law or regulations or has failed to comply with an order of the Board; and
7 to petition the superior court to take various enforcement measures against a public
8 water system that has failed to comply with or violates an order of the Board. The
9 Board does not waive any further enforcement action by issuance of this citation.

10
11 **PARTIES BOUND**

12 This citation shall apply to and be binding upon the System, its officers, directors,
13 agents, employees, contractors, successors, and assignees.

14
15 **SEVERABILITY**

16 The directives of this citation are severable, and System shall comply with each and
17 every provision thereof notwithstanding the effectiveness of any other provision.

18 

19 _____
20 Reese B. Crenshaw, P.E., District Engineer
21 Valley District
22 Division of Drinking Water Field Operations Branch

12/29/16

Date



23
24 **Attachments:**

25 Attachment A – Applicable Authorities

26 Attachment B – Revised DBP Compliance Monitoring Plan

27 Attachment C – Proof of CCR distribution

28 Attachment D – Proof of notification for failure to collect DBP samples

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states:

- (a) If the division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.*
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.*
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.*
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).*
- (e) The division may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation*

occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Section 64432 of the CCR states in relevant part:

(a) All public water systems shall monitor to determine compliance with the nitrate and nitrite MCLs in table 64431-A, pursuant to subsections (d) through (f) and Section 64432.1. All community and nontransient-noncommunity water systems shall monitor to determine compliance with the perchlorate MCL, pursuant to subsections (d), (e), and (l), and section 64432.3. All community and nontransient-noncommunity water systems shall also monitor to determine compliance with the other MCLs in table 64431-A, pursuant to subsections (b) through (n) and, for asbestos, section 64432.2. Monitoring shall be conducted in the year designated by the State Board of each compliance period beginning with the compliance period starting January 1, 1993.

*Table 64431-A
Inorganic Chemical MCL's*

Chemical	MCL, mg/L
<i>Aluminum</i>	<i>1.</i>
<i>Antimony</i>	<i>0.006</i>
<i>Arsenic</i>	<i>0.010</i>
<i>Asbestos</i>	<i>7 MFL*</i>
<i>Barium</i>	<i>1.</i>
<i>Beryllium</i>	<i>0.004</i>
<i>Cadmium</i>	<i>0.005</i>
<i>Chromium</i>	<i>0.05</i>
<i>Cyanide</i>	<i>0.15</i>
<i>Fluoride</i>	<i>2.0</i>
<i>Hexavalent chromium</i>	<i>0.010</i>
<i>Mercury</i>	<i>0.002</i>

Chemical	MCL, mg/L
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate + Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006

Section 64449(b)(1) of the CCR states in relevant part:

(a) Each community water system shall monitor its groundwater sources or distribution system entry points representative of the effluent of source treatment every three years and its approved surface water sources or distribution system entry points representative of the effluent of source treatment annually for the following:

(1) Secondary MCLs listed in Table 6449-A

*Table 64449-A
Inorganic Chemical MCL's*

Chemical	MCLs / Units
Aluminum	0.2 mg/L
Color	15 Units
Copper	1.0 mg/L
Foaming Agents (MBAS)	0.5 mg/L
Foaming Agents (MBAS)	0.5 mg/L
Iron	0.3 mg/L
Manganese	0.05 mg/L
Methyl-tert-butyl ether	0.005 mg/L
Odor—Threshold	3 Units
Silver	0.1 mg/L
Thiobencarb	0.001 mg/L
Turbidity	5 Units
Zinc	5.0 mg/L

Section 64534.2(d)(5) of the CCR states in relevant part:

(5) Systems that are required to monitor at a particular location annually or less frequently than annually pursuant to table 64534.2-C or 64534.2-D shall increase monitoring to dual sample sets once per quarter (taken every 90 days) at all locations if a TTHM sample is >0.080 mg/L or a HAA5 sample is >0.060 mg/L at any location.

Section 64665 of the CCR states in relevant part:

(a) All suppliers shall have a sanitary survey of their watershed(s) completed at least every five years. The first survey shall be completed by January 1, 1996.

Section 7605(a) of the CCR states in relevant part:

(a) The water supplier shall assure that adequate maintenance and periodic testing are provided by the water user to ensure their proper operation.

Section 64480(a) of the CCR states in relevant part:

(a) Except as provided in subsection (b), each community and nontransient-noncommunity (NTNC) water system shall prepare and deliver the first Consumer Confidence Report by July 1, 2001, and subsequent reports by July 1 annually thereafter. The first Consumer Confidence Report shall contain data collected during, or prior to, calendar year 2000, as prescribed by section 64481(d)(1). Each Consumer Confidence Report thereafter shall contain data collected during, or prior to, the previous calendar year.

State Water Resources Control Board – Division of Drinking Water (SWRCB - DDW)
Compliance Monitoring Plan
for the Stage 2 Disinfectants and Disinfection Byproducts Rule

PART 1 - General System Information

Water System Name:	ELK CREEK COMMUNITY SERVICES DISTRICT			System No:	1100616
Mailing Address:	PO BOX 117 ELK CREEK, CA 95939				
Preparer:	ARNIE KJER	Phone:	530-519-5198	Email:	arnikjer@gmail.com
Source Water Type:	<input checked="" type="checkbox"/> Surface Water (SW)/GWUDI <input type="checkbox"/> Ground Water (GW) <input type="checkbox"/> Purchase (SW/GWUDI) <input type="checkbox"/> Purchase (GW) <small>*GWUDI – Ground water sources that have been determined to be under the direct influence of surface water.</small>				Current Population Served: 300

PART 2 - Sample Site Information – Total Trihalomethanes (TTHM) / Haloacetic Acids (HAA5)

Sample Point ID ¹	Site Location or Address ²	Justification of Site Location				Justification Description ³
	211 Bidwell	High TTHM Stage 1	<input type="checkbox"/>	High HAA5	<input checked="" type="checkbox"/>	Stage 1 location
	300 Sanhedron	High TTHM Stage 1	<input checked="" type="checkbox"/>	High HAA5	<input type="checkbox"/>	Stage 1 location
		High TTHM Stage 1	<input type="checkbox"/>	High HAA5	<input type="checkbox"/>	
		High TTHM Stage 1	<input type="checkbox"/>	High HAA5	<input type="checkbox"/>	

¹ If a sample site has a unique sample point ID, include it in this column (sample point ID is typically a numeric or alpha-numeric designator that represents a specific site location or address).

² If an IDSE was conducted, site locations should be the same as those in the approved IDSE Report.

³ Provide the reason for the selection of a specific sample location. (i.e., "High TTHM": Highest Historical (Stage 1 and/or IDSE) TTHM levels observed at this location).

PART 3 - Proposed Schedule & Compliance Calculations

Parameters: Total Trihalomethanes (TTHM) / Haloacetic Acids (HAA5)

Monitoring reports must be submitted to SWRCB - DDW by the 10th day following the end of each monitoring period (e.g., quarter, year, 3 years). Mail reports to the address at the bottom of the next page. For other delivery methods, contact your SWRCB - DDW representative.

Monitoring Type ¹	Monitoring Frequency	Total # of Monitoring Locations/Monitoring Period	Samples ²	Schedule (Jul, October, etc.)
Routine	Quarterly <input checked="" type="checkbox"/> Annually <input type="checkbox"/> Triennially <input type="checkbox"/>	2	Individual Samples <input type="checkbox"/> Dual Sample Sets <input checked="" type="checkbox"/>	February, May, August, and November

¹ Routine, reduced, or increased.

² An individual sample is one sample that is tested for either TTHM or HAA5, as specified in Part 2, Sample Site Information. A dual sample set is a set of two samples collected at the same time and same location, with one sample analyzed for TTHM and the other sample analyzed for HAA5. Systems on increased monitoring are required to take dual sample sets at all locations.

NOTE: THE RESULTS OF TESTING DONE IN ACCORDANCE WITH THIS MONITORING PLAN MAY LEAD TO A CHANGE IN THE FREQUENCY AND/OR TYPE OF MONITORING. IF A CHANGE IN MONITORING IS WARRANTED, YOU WILL BE CONTACTED BY THE SWRCB - DDW REPRESENTATIVE ASSIGNED TO YOUR WATER SYSTEM.

Compliance Information:

Parameter	Compliance Location	Maximum Contaminant Level (MCL)
TTHM	Each Monitoring Site	MCL = 0.080 mg/L
HAA5	Each Monitoring Site	MCL = 0.060 mg/L

Compliance Calculation:

Quarterly Monitoring: An LRAA is the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters. An MCL violation occurs if the Locational Running Annual Average (LRAA), computed quarterly for the most recent 4 quarters, at any monitoring location, exceeds the MCL, or if the LRAA calculated based on fewer than 4 quarters of data demonstrates that the MCL will be exceeded regardless of the monitoring results of subsequent quarters. If more than one sample is taken at a location in any given quarter, then those values are averaged to obtain that quarter's average for use in the LRAA calculation.

Annual or Triennial Monitoring:

For a system required to monitor annually or less frequently, if any single sample result exceeds the MCL, the system shall increase monitoring to dual sample sets once per quarter (taken every 90 days) at all locations. MCL compliance is then calculated as described for quarterly monitoring.

Operational Evaluation Level (OEL) Information:

Parameter	Compliance Location	Maximum OEL Level
TTHM	Each Monitoring Site	OEL = 0.080 mg/L
HAA5	Each Monitoring Site	OEL = 0.060 mg/L

Compliance Calculation:

Quarterly Monitoring: Each quarter, public water systems monitoring quarterly shall calculate the TTHM and HAA5 Operational Evaluation Level (OEL) for each monitoring location to be aware of any pending follow-up activities as indicated below. The OEL for TTHM and HAA5 is the sum of the two previous quarters' results plus twice the current quarter's result, divided by 4.

$$\text{OEL} = (2 \times \text{current quarter result}) + (\text{previous quarter result}) + (\text{quarter before previous quarter result})$$

4

If the TTHM OEL exceeds 0.080 mg/L, or the HAA5 OEL exceeds 0.060 mg/L at any monitoring location, the system shall conduct an operational evaluation to identify the cause of the exceedance and submit a written report of the evaluation to the Redding office of the California Drinking Water Program (364 Knollcrest Drive, #101, Redding, CA 96002) no later than 90 days after being notified of the analytical result that causes the system to exceed the operational evaluation level. The written report must be made available to the public upon request. Any questions concerning this report (how it should be prepared, etc.) can be directed to the Redding SWRCB - DDW office at (530) 224-4800.

Annual or Triennial Monitoring: OEL calculations are not required.

PART 4 - System Schematic

If requested by SWRCB - DDW staff, attach a map or drawing of current distribution system. Include the location of any interconnections with other public water systems. Also, where applicable, designate on the map the locations of the following facilities: sources, treatment plants, entry points, storage facilities (including volume in gallons or million gallons), and all Stage 2 compliance sample sites.

PART 5 -- Certification

I certify that I have read and agree with this plan. I also understand that failing to monitor in accordance with this plan (required by section 64534.8 of Title 22, California Code of Regulations (CCR)) is a violation of the monitoring requirements established in Chapter 15.5 of Title 22 CCR.

Name/Title (print)

Signature

Date

MAIL TO: SWRCB - DDW Drinking Water Program, 364 Knollcrest Drive, #101, Redding, CA 96002
or FAX TO: (530) 224-4844, Attention: Stage 2

Consumer Confidence Report Certification Form

*(to be submitted with a copy of the CCR to:
Reese Crenshaw / SWRCB - DDW / 364 Knollcrest Dr, Suite 101, Redding, CA. 96002)*

Water System Name: Elk Creek Community Services District

Water System No.: 1100616

The water system named above hereby certifies that its Consumer Confidence Report was distributed on _____ (date) to customers (and appropriate notices of availability have been given). Further, the system certifies that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to the California Department of Public Health.

Certified by: Name: _____
 Signature: _____
 Title: _____
 Phone Number: () _____ Date: _____

To summarize report delivery used and good-faith efforts taken, please complete the below by checking all items that apply and fill-in where appropriate:

- ☐ CCR was distributed by mail or other direct delivery methods. Specify other direct delivery methods used: _____
- ☐ "Good faith" efforts were used to reach non-bill paying consumers. Those efforts included the following methods:
- ☐ Posting the CCR on the Internet at www._____
 - ☐ Mailing the CCR to postal patrons within the service area (attach zip codes used)
 - ☐ Advertising the availability of the CCR in news media (attach copy of press release)
 - ☐ Publication of the CCR in a local newspaper of general circulation (attach a copy of the published notice, including name of newspaper and date published)
 - ☐ Posted the CCR in public places (attach a list of locations)
 - ☐ Delivery of multiple copies of CCR to single-billed addresses serving several persons, such as apartments, businesses, and schools
 - ☐ Delivery to community organizations (attach a list of organizations)
 - ☐ Other (attach a list of other methods used)
- ☐ For systems serving at least 100,000 persons: Posted CCR on a publicly-accessible internet site at the following address: www._____
- ☐ For privately-owned utilities: Delivered the CCR to the California Public Utilities Commission

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

This form, when completed and returned to the Division of Drinking Water (364 Knollcrest Drive, Suite 101, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Division with certification is important. Failure to do so will result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name Elk Creek CSD

Public Water System No. 1100616

Public notification for the 2016 TTHM and HAA5 monitoring failure (i.e., failure to collect two dual sample sets each calendar quarter: one pair at 211 Bidwell and one pair at 300 Sanhedron) was performed by the following method:

_____ By including this notice in the 2016 Consumer Confidence Report in the Violation Section.

For this method, provide the date that the notice was posted in the CCR:

I hereby certify that the above information is factual.

Printed Name

Signature

Date